

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

MAHARISHI FOUNDATION USA, INC.,

Plaintiff,

v.

THE MEDITATION HOUSE, LLC,

Defendant.

THOMAS KNOLES,

Intervenor.

Case No. 4:11-cv-00562

MOTION TO INTERVENE

COMES NOW, Thomas Knoles, by and through undersigned counsel, and pursuant to Rule 24, respectfully requests this Court make orders for him to intervene, by way of the attached Complaint in this matter, and in support thereof, states as follows:

1. Plaintiff filed its Complaint in this matter on or about November 28, 2011. At present limited document discovery and interrogatories have been completed, and no depositions have been taken. Moreover, a scheduling order and discovery plan have not been finalized, and a trial date has not been entered.
2. On or about December 17, 2012, Defendant filed a Rule 19 Motion, Motion to Quash Subpoenas and Motion for Protective Order, which Plaintiff resisted.
3. The Court entered its Order on Defendant's Motion on or about January 9, 2013. In that Order, the Court stated, "[a]s requested, defendant and/or Mr. Knoles shall

be permitted to file, by January 15, 2013, a pleading seeking the joinder or intervention of Mr. Knoles in this action.” (Order at p. 2).

4. Federal Rule of Civil Procedure 24 provides, in relevant part,

On timely motion, the court must permit anyone to intervene who:

(2) claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant’s ability to protect its interest, unless existing parties adequately represent that interest.

Fed. R. Civ. P. 24(a)(2) (emphasis added). Mr. Knoles’ complaint mainly seeks a declaratory judgment regarding the claims and demands made against him by the Plaintiff in extensive correspondence, which was before the Court when it made the above Order. As previously detailed to the Court in Defendant’s Rule 19(a) motion, Mr. Knoles claims an interest in the subject of this action (namely the teaching and promotion of Vedic Meditation in competition with the Plaintiff and its licensees and affiliates), such that if Mr. Knoles is not a party to this action, disposal of the action may as a practical matter impair or impeded his ability to protect that interest. Accordingly, Mr. Knoles is entitled to intervene under Rule 24(a).

5. Alternatively, Rule 24 states,

On timely motion, the court may permit anyone to intervene who:

(B) has a claim or defense that shares with the main action a common question of law or fact.

Fed. R. Civ. P. 24(b)(1)(B) (emphasis added). As demonstrated by the Complaint of Mr. Knoles attached to this Motion, his claims against the Plaintiff share numerous issues of law and fact in common with the claims, defenses and affirmative defenses between the Plaintiff and the Defendant. Moreover, as the Court reasoned in its January 9, 2013 Order, the parties would not be prejudiced by this intervention, and in fact, this intervention would resolve an issue that has “bogged down” this litigation. (Order at p. 2). For these reasons, Mr. Knoles should be permitted to intervene pursuant to Rule 24(b).

6. In further support of this Motion, and pursuant to Rule 24(c), Thomas Knoles reasonably believes that the claims and defenses currently pleaded in this matter are likely to remain unchanged if he intervenes, subject only to additional matters that may arise from discovery.

7. Pursuant to LR 7(d) Intervenor has filed contemporaneously herewith its Brief in Support of Motion to Intervene.

8. Pursuant to Rule 24(c), Intervenor has attached hereto a pleading that sets out the claims or defenses for which intervention is sought.

9. Prior to filing this Motion, and pursuant to LR 7(l), undersigned counsel has confirmed with counsel for the Plaintiff that Plaintiff is unable to state its position on this Motion until it has had the opportunity to review the same. However, in the limited time available for finalizing this Motion, Brief and Complaint, undersigned counsel has

only been able to contemporaneously provide to Plaintiff's counsel these filings for their review. In the interest of expediting resolution of this issue, and consistent with the Court's most recent order, undersigned counsel will promptly inform the Court if Plaintiff is able to consent to this Motion once the two sides are able to confer.

WHEREFORE, Intervenor Thomas Knoles, respectfully requests the Court, pursuant to Rule 24, make orders for his intervention in the above-captioned matter as a matter of right, or in the alternative as a matter of permission, by way of the attached pleading.

BRADSHAW, FOWLER, PROCTOR &
FAIRGRAVE, P.C.

By: /s/ Todd A. Strother

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing instrument was served upon one of the attorneys of record for all parties to the above-entitled cause by serving the same on such attorney at his/her respective address/fax number as disclosed by the pleadings of record herein, on the 15th day of January, 2013 by:

☐ U.S. Mail
☐ Hand Delivered
☐ Federal Express

☐ FAX
☐ UPS
☒ Other: EM/ECF

s/ Lori O'Connor